

REMARKS

Amendment Summary

In this response, the Applicants have presented the following amendments.

Claim 1 – “wherein said first and second sets of sub-panels comprise an identical vertical resolution” was removed.

Claim 5 – “wherein said first and second display panels comprise an identical vertical resolution” was removed.

Claim 7 – “wherein said first and second sets of sub-panels comprise an identical vertical resolution” was removed.

Claim 10 – “wherein said first and second display panels comprise an identical vertical resolution” was removed.

Claim 12 – “wherein said first and second portions of the display comprise an identical vertical resolution” was removed.

Claim 19 – “wherein the first and second portion of the display comprise an identical vertical resolution” was removed and, in the second line, capital “A” was replaced with lower-case “a.”

Claim 24 – “wherein the first and second portions of the display comprise an identical vertical resolution” was removed.

Claim 28 – “wherein the first and second portions of the display comprise an identical vertical resolution” was removed.

Claim 33, which is dependent on claim 12 and includes the element removed from claim 12, is added.

Support for these amendments is found throughout the original specification. No new matter has been added.

Claim Status

Claims 1 – 33 are presently pending.

Claim Rejections

In the Office Action claims 1, 5, 7 – 9, 12 – 22, and 24 – 32 are rejected under 35 USC 102(e) as being anticipated by Nomura et al. (5,881,299) (hereinafter “Nomura”); and claims 2 – 4, 6, 10, 11, and 23 are rejected under 35 USC 103(a) as being unpatentable over Nomura in view of Britz (5,414,444), and Imai et al. (Des377,341).

Nomura has a reference date of September 26, 1996. Please see attached declaration filed pursuant to 37 CFR 1.131 and accompanying exhibits (hereinafter “Declaration”) presented to swear behind Nomura.

The Declaration clearly establishes that the subject invention was conceived at least as early as January 2, 1996. Exhibit I is photocopy of an Invention Disclosure Form (IDF) with this date. The IDF discusses the claimed embodiments of the invention in sufficiently clear detail to enable one skilled in the art to reduce the invention to practice without inventive contribution. *Gunter v. Stream*, 573 F.2d 77 (CCPA 1978).

The Declaration also establishes that the Applicants worked diligently from a point just prior to September 26, 1996 to constructively reduce the invention to practice by the filing of Application (Serial No. 60/686,344) (hereinafter “Application”) on November 15, 1996, which matured into the patent for which reissue is presently sought.

The work involved to constructively reduce the invention to practice included submission of the IDF to Intel’s legal department for a filing decision sometime on or after January 2, 1996. Once Intel’s legal department reviewed the IDF, selected the IDF for filing, and assigned the drafting of the Application to the law firm of Blakely, Sokoloff, Taylor, and Zafman (BSTZ), as set out in the Declaration, the inventor worked with the drafting attorney to prepare the Application.

The collaboration with the drafting attorney, as set out in the Declaration, included the discussion of the invention with the drafting attorney and review of one or more drafts, which culminated in a review of the final draft of the Application on or about November 13, 1996. Exhibit II is a copy of a letter from BSTZ forwarding the final draft of the Application to the inventor along with paperwork to review and sign prior to the filing. The Application was subsequently filed on November 15, 1996.

For these reasons, the Applicant has demonstrated that the invention was conceived prior to September 26, 1996 and that he was diligent in reducing the invention to practice from at least prior to September 26, 1996 until November 15, 1996. Because Nomura does not qualify as a basis for rejection the Applicant respectfully requests that the Examiner withdraw these rejections of these claims.

New Claim

The Applicant has taken this opportunity to present claim 33. This claim includes an element similar to the element removed from several of the claims as detailed above. This claim depends on claim 12 and is patentable for at least the reasons given above. The element provided by this claim also adds additional patentable over the cited art. While the above declaration swears behind Nomura, the Applicant would like to briefly point out that Nomura fails to teach or make obvious this element.

Claim 33 includes a recitation “wherein said first and second portions of the display comprise an identical vertical resolution. See, e.g., Figure 2 of the Applicant’s specification. Sub-panel 202 has a 160 x 240 resolution and sub-panel 204 has a 480 x 240 resolution. Hence, they both have the same vertical resolution, e.g., they both can display 240 pixels along the vertical axis. This arrangement may allow for a particular sub-panel to be powered down by powering down a segment driver corresponding to the particular sub-panel.

In the 102(e) rejection section of the Office Action, it is stated that Nomura teaches this element by item 105b of Figure 8. In the Response to Arguments section of the Office Action, it is stated that “Nomura et al. teaches of a display having a first and second display areas (Area 1 and Area 2), wherein both areas are driven by the same segment driver, figure 1 item 105b.” Having the same segment driver does not mean that the two areas have the same vertical resolution. Figure 8 of Nomura is a case in point. The segment driver 105b is used for both Area 1 and Area 2. This may correlate the horizontal resolution between the two areas, but these areas clearly have different vertical resolutions. As can be seen from Figure 8, the vertical resolution of Area 2 is greater than the vertical resolution of Area 1.

Referring to Figure 1 of Nomura, Area 1 cannot be said to have the same vertical resolution as Area 2. Area 1 has an icon for showing antenna strength and battery strength. The Y driver 18b controls the pixel in the shape of an antenna, one in the shape of a battery, and pixels representing strength indicators independently. Thus, Area 1 has a total of eight pixels. Area 2 has a matrix of 160 pixels in the vertical direction and 239 pixels in the horizontal direction. *Nomura*, column 4, line 56 *et seq.* Therefore, the vertical resolution of Area 1 is clearly different than the vertical resolution of Area 2.

Objections to Reissue Oath/Declaration

In the Office Action, the reissue oath/declaration is identified as being defective and claims 1 – 32 are rejected as being based on the defective oath/declaration. If required, the Applicants will provide a supplemental oath/declaration to cover all corrected errors upon conclusion of the merits of the prosecution and before allowance. However, the Applicants would like to point out that the original error identified in the Oath/Declaration filed in November 22, 2000 was that the claims were unnecessarily narrow, e.g., by the inclusion of the limitation “plurality of segment drivers” in claim 1. Therefore, the error set forth in the originally filed declaration remains applicable to the claims in their current state.

Objections to the Format of the Claim Amendments

In the Office Action, the amendment filed on 6/23/2005 was found to not comply with 37 CFR 1.173(b), which sets forth the manner of making amendments in reissue applications.

In this response, the Applicants have presented the claims and amendments in a manner to comply with 37 CFR 1.173(b). The claims are shown with markings (underlining for added material and brackets for deleted material) relative to the patent for which reissue is sought in accordance with 37 CFR 1.173(d). Furthermore parenthetical status identifiers identifying changes presented through this amendment paper have been added in accordance with 37 CFR 1.173(b)(2).

Objections to the Written Consent

In the Office Action, the application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees.

In the paper submitted along with the filing of the reissue application on November 22, 2000, Kenneth Seddon averred that he was authorized to act on behalf of the assignee of the entire interest of the above-captioned application, Intel Corporation, in accordance with 37 CFR 3.73(b), and, in that capacity, assented to the present reissue application.

All that is remaining is a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office. This evidence establishing that Intel Corporation is the assignee of the entire interest is found at reel/frame # 008315/0246.

For these reasons, the Applicant respectfully requests that the Examiner withdraw this objection.

While the Applicant does not believe that any surcharge is required in this instance, if it is deemed otherwise, please charge any appropriate surcharge to the deposit account identified below.

37 CFR 1.173(b) Objections

In the Office Action the amendments to claims 5 and 12 – 32 are objected to for not complying with 37 CFR 1.173(b). The Applicant has presented amendments to the claims in order to fully comply with this rule. In particular, the double-bracketing of claim 5 has been replaced with strikethrough notation; and claims 12 – 32 are identified as new and underlined in their entirety.

For these reasons, the Applicant respectfully requests that the Examiner withdraw these objections.

Conclusion

In light of the above remarks, Applicants respectfully submit that this application is now in condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
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Dated: 05/09/2007

/Nathan R. Maki/

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